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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 10/642,605   | 08/19/2003  | Cindy Dawson Simmons | 3646-4                | 2840             |
| 23117  | 7590        | 07/26/2006           | EXAMINER              |                  |
| NIXON & VANDERHYE, PC<br>901 NORTH GLEBE ROAD, 11TH FLOOR<br>ARLINGTON, VA 22203 |             |                      | HANSEN, JAMES ORVILLE |                  |
|  |             |                      | ART UNIT              | PAPER NUMBER     |
|  |             |                      | 3637                  |                  |

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/642,605 | <b>Applicant(s)</b><br>SIMMONS, CINDY DAWSON |  |
|                              | <b>Examiner</b><br>James O. Hansen   | <b>Art Unit</b><br>3637                      |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-15 and 17-19 is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In an effort to expedite the prosecution of the application [compact prosecution], the examiner contacted applicant's representative {Alan Kagen} on July 20, 2006 in an effort to place the application in condition for allowance [proposing amendments to the claims – deleting claims 1 & 3-6 and amending claim 12 to read “*and fixable to an adjacent stacked receiving component fixed to the cabinet,*”], a time frame [7/21/06 – due to the office's need to issue an office action in response to applicant's amendment] was given so as to respond to the proposal. A response to the proposal was not reached in time; as such, the following is a Final office action on the merits.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 & 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lit et al., [U.S. Patent No. 3,693,806]. Lit (figures 1-4) teaches of a jewelry display assembly (fig. 2) comprising: a pair of sidewalls (10, 12) disposed spaced from each other in facing relation; a plurality of jewelry bars (defined as each bar between openings 16) fixed to and extending between the sidewalls, the jewelry bars being spaced from one another and disposed about each periphery of the sidewalls such that an opposite side jewelry bar is viewable through the assembly as readily apparent to the examiner; and a supporting axle (horizontal portion of 20) extending through a

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center of each of the sidewalls, wherein the sidewalls and at least one jewelry bar are rotatable relative to the supporting axle. The bars are evenly spaced about each periphery of the sidewalls (see figures). The bars each comprise means (viewed as the edge surfaces or the openings defined between adjacent bars) for supporting an article. The means for supporting comprising apertures (viewed as the apertures between each bar pair). The assembly further comprising a "handle assembly" (24 – so far as broadly claimed) secured to one of the sidewalls (12) and over the axle, the handle capable of effecting manual rotation along the axle.

4. Claims 1, 3, 4 & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith [U.S. Patent No. 3,998,334]. Smith (figures 1-5) teaches of a jewelry display assembly (fig. 1) comprising: a pair of sidewalls (26, 26) disposed spaced from each other in facing relation; a plurality of jewelry bars (29) fixed to and extending between the sidewalls, the jewelry bars being spaced from one another and disposed about each periphery of the sidewalls such that an opposite side jewelry bar is viewable through the assembly as readily apparent to the examiner; and a supporting axle (20) extending through a center of each of the sidewalls, wherein the sidewalls and at least one jewelry bar are rotatable relative to the supporting axle. The bars are evenly spaced about each periphery of the sidewalls (see figures). The bars each comprise means (viewed as the outer edge surfaces – so far as broadly recited) for supporting an article. The assembly further comprising a "handle assembly" (32a – so far as broadly claimed) secured to one of the sidewalls and over the axle, the handle capable of effecting manual rotation along the axle.

***Allowable Subject Matter***

5. Pending further review and consideration, Claims 7-15 & 17-19 are allowed [based upon the minor amendment required for claim 12 as noted above].

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leonard and Dunn describe display assemblies.
7. Applicant's amendment in the response filed February 17, 2006 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can be reached on Monday-Friday between 8-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James O. Hansen  
Primary Examiner  
Art Unit 3637

JOH  
July 24, 2006